

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-02 INR-07 L-02

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 IO-10

ACDA-05 /072 W

----- 055403

P R 161425Z MAY 75

FM USMISSION USBERLIN

TO AMEMBASSY BONN PRIORITY

INFO SECSTATE WASHDC 929

AMEMBASSY BERLIN UNN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

USMISSION NATO

AMEMBASSY PARIS

C O N F I D E N T I A L USBERLIN 955

E.O. 11652: GDS

TAGS: PGOV, PINT, WB, GE

SUBJECT: BERLIN BOUNDARY RESCUE : DROWNING  
ON MAY 11

REF: (A) USBERLIN 905 (B) BERLIN 5712

1. CONTROVERSY ABOUT DROWNING OF TURKISH BOY MAY 11  
CONTINUES TO SWIRL. LOCAL PRESS HAS GIVEN HEAVY PLAY  
TO PROTEST BY FRG CHANCELLERY CHIEF SCHUELER TO GDR  
REP IN BONN, KOHL, WHO REJECTED PROTEST ON GROUNDS FRG  
HAD NO RIGHT TO DISCUSS BERLIN MATTER WITH HIM. GDR  
FONMINISTRY ALONG WITH PRESS AND MEDIA CLAIM SENAT  
IS AT FAULT IN REFUSING TO BUILD FENCES ALONG SPREE  
AS GDR SIDE SUGGESTED AT BEGINNING OF BOUNDARY RESCUE  
TALKS. SENAT PRESS SPOKESMAN STRUVE IN TURN REJECTED  
GDR ARGUMENTS SAYING THAT TRYING TO PUT OVER ONE'S  
LEGAL VIEW OF BERLIN STATUS BY USING TRAGIC INCIDENT  
AMOUNTS TO BLACKMAIL.

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2. BODY OF DROWNED BOY WAS TURNED OVER TO WEST BERLIN

FUNERAL PARLOR MAY 14. SENAT PLANS TO POST LARGE SIGNS INDICATING THAT WATERS CONCERNED BELONG TO "EAST SECTOR." SMALL FENCES ALSO BEING ERECTED LARGE ENOUGH TO PREVENT CHILDREN FROM FALLING IN RIVER BUT WHICH WOULD NOT HINDER ESCAPEE FROM MAKING WAY TO WEST BERLIN IF HE HAD MANAGED SWIM ACROSS SPREE.

3. WITH RESPECT TO BOUNDARY RESCUE AGREEMENT, FRENCH HERE HAVE TAKEN HARD LINE ON DRAFT TEXTS PROPOSED APRIL 16 BY SENAT. AT ALLIED SUGGESTION SENAT PROPOSED TO PRESENT TO GDR LONG LETTER CONSTITUTING SUBSTANCE OF AGREEMENT WITH BRIEF DRAFT REPLY OF ACKNOWLEDGMENT FROM GDR. WHILE SENAT DRAFT CONTAINED SOME AMBIGUITIES SUCH AS USE OF WORDS "GRENZGEWAESSER" AND "ORGANE DE DDR", WE AND BRITISH CAN ACCEPT SENAT TEXT. FRENCH, HOWEVER, HAVE BALKED AT ANY LANGUAGE WHICH COULD CONCEIVABLE BE INTERPRETED TO IMPLY GDR SOVEREIGNTY OVER WATERS IN QUESTION. SUGGESTED FRENCH REVISIONS WOULD REQUIRE SENAT AT THIS LATE STAGE TO WITHDRAW LANGUAGE WHICH SENAT HAD ALREADY PRESENTED TO GDR AND LATTER HAD REJECTED IN PAST. APRIL 16 SENAT DRAFTS SO SANITIZED THAT SENAT (AND WE) BELIEVE THEY WILL BE REJECTED OUT OF HAND BY GDR.

4. AT MEETING OF LEGAL ADVISERS AND DEPUTY POLADS MAY 14 WE AND BRITISH PRSSED HARD FOR APPROVAL PRESENT DRAFT WHICH WOULD PERMIT SENAT TO ARRANGE DATE FOR RESUMPTION OF NEGOTIATIONS. WHEN FRENCH OBJECTED WE SUGGESTED JOINT MEETING WITH SENAT IN HOPES THAT FRENCH ATTITUDE MIGHT CHANGE WHEN FACED WITH NEGOTIATING PROSPECTS AS DESCRIBED BY SENAT VETERANS OF BOUNDARY RESCUE TALKS. FRENCH INSTEAD REFERRED PROBLEM TO THEIR EMBASSY. CURRENT SITUATION IS THAT SENAT CANNOT ARRANGE DATE FOR NEXT ROUND OF TALKS DESPITE HEAVY POLITICAL PRESSURE BECAUSE OF FRENCH INSISTENCE ON LEGALISMS WHICH NEITHER WE NOR BRITISH FEEL DO HARM TO ALLIED LEGAL POSITION.

5. WE WOULD BE MOST APPRECHIATIVE IF EMB BONN COULD  
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POINT OUT TO FRENCH EMB THAT ALLIES ARE BEGINNING TO APPEAR RESPONSIBLE FOR DELAY IN NEGOTIATIONS AND WILL BE DOING CONSIDERABLE HARM TO OUR IMAGE AS PROTECTIVE POWERS IF WE DO NOT SOON ALLOW SENAT TO PROCEED. PROBLEM HAS ALREADY REACHED ONE BOILING POINT HERE WHEN SENAT WISHED TO ISSUE JOINT PRESS STATEMENT WITH ALLIED TO WHICH WE AND BRITISH AGREED ONLY TO HAVE FRENCH VETO IDEA.

6. JUST RECEIVED NEUES DEUTSCHLAND MAY 16 PRINTS  
ENTIRE TEXT OF ORIGINAL GDR DRAFT OF JULY 20, 1973,  
WHICH WAS REJECTED BY SENAT. NEUES DEUTSCHLAND ALSO  
POINTS OUT GDR AGREED ON FEB 17, 1975 TO EXCHANGE  
OF LETTERS IN LIEU OF FORMAL AGREEMENT AND QUOTES  
WEST BERLIN NEWSCAST TO EFFECT WEST BERLIN FIREMEN  
WOULD HAVE JUMPED IN AFTER CHILD IF THEY HAD SEEN  
ANY MOTING IN WATER INDICATING POSSIBILITY CHILD WAS  
ALIVE; IMPLICATION IS THAT GDR GUARDS WOULD NOT HAVE  
INTERFERED. WE WOULD NOT WISH TO SPECULATE  
ABOUT MORE FORTHCOMING GDR ATTITUDE (SUGGESTED IN  
GAUS-ABRASIMOV CONVERSATION REPORTED REF B), BUT  
NEUES DEUTSCHLAND PIECE WILL CLEARLY PUT ADDITIONAL  
PRESSURE ON SENAT FOR RAPID FORWARD MOVEMENT.SELIGMANN

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## Message Attributes

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